

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:23-cv-897**

IN RE: CAMP LEJEUNE TOXIC WATER
EXPOSURE LITIGATION

This document relates to:
ALL CASES

**PLAINTIFF LEADERSHIP GROUP'S
NOTICE OF PUBLICATION OF
ENVIRONMENTAL PROTECTION
AGENCY BAN ON PCE AND TCE**

The Plaintiff Leadership Group (“PLG”) respectfully notifies the Court that on December 9, 2024, the United States Environmental Protection Agency (“EPA”) announced final rules banning “all uses of TCE” and “all consumer uses and many commercial uses of PCE” in the United States. *See* Press Release, EPA Press Office, Environmental Protection Agency, Biden-Harris Administration Announces Latest Actions under Nation’s Chemical Safety Law to Protect People from Cancer-Causing Chemicals Trichloroethylene and Perchloroethylene (Dec. 9, 2024), <https://www.epa.gov/newsreleases/biden-harris-administration-announces-latest-actions-under-nations-chemical-safety-law> (hereinafter “Press Release”); *see also* 40 C.F.R. § 751.305 (defining “prohibitions of manufacturing processing, distribution in commerce, and use” of TCE); 40 C.F.R. § 751.605 (defining “prohibitions of manufacturing processing, distribution in commerce, and use” of PCE).

It is undisputed that TCE and PCE were in water at Camp Lejeune from the 1950s through 1987. In fact, the EPA’s press release announcing the TCE and PCE bans identifies the water contamination at Camp Lejeune as evidence of the harm caused by these chemicals. Press Release at 1.

The EPA's decision is "grounded in the best-available science that demonstrates the harmful impacts of PCE and TCE." Press Release at 2. The finalized restrictions on TCE and PCE reflect a growing scientific consensus that these chemicals, even at low levels, present an unreasonable risk to human health.

Pursuant to the EPA's final rules, a complete prohibition on all uses of TCE will take effect over time, with the vast majority of use cases forbidden within one year. The EPA also banned all consumer uses of PCE, and strictly limited its commercial and industrial uses, with some allowances to provide for certain use cases deemed critical to "global warming," "national security applications" or "other critical needs." 89 Fed. Reg. 103563

The PLG gives notice that, in prosecuting these cases, it intends to rely on the EPA's final rules and supporting statements, as well as the studies, findings, and other data on which the EPA's final rules are based. The EPA's final rules banning TCE and PCE were announced on the same day the PLG was required to serve expert reports on general causation. Therefore, the PLG provides this notice to make the Court aware of this late-breaking development and to mitigate any alleged prejudice or lack-of-notice defense the government may raise to the PLG's reliance on the EPA's final rules and underlying data.

The PLG does not seek any relief in connection with this notice at this time.

The EPA has made the TCE rules available on the organization's website at the following link: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-trichloroethylene-tce>. The TCE rules have also been published in the federal register at 89 Fed. Reg. 102568 (Dec. 18, 2024). They have been codified at 40 C.F.R. § 741.301 *et seq.*

The EPA has made the PCE rules available on the organization's website at the following link: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management>

perchloroethylene-pce The PCE rules have also been published in the federal register at 89 Fed. Reg. 103560 (Dec. 18, 2024). They have been codified at 40 C.F.R. § 751.601 *et seq.*

Respectfully Submitted, this 19th day of December, 2024.

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